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19 By and through his conservator, Genoveva
20 Manzo.

21 UNITED STATES DISTRICT COURT

22 CENTRAL DISTRICT OF CALIFORNIA

23 DAVID MANZO, by and through his) Case No. 5:17-cv-1165
24 Conservator, Genoveva Manzo,)
25) **PLAINTIFF'S COMPLAINT FOR**
26 Plaintiff,) **DAMAGES AND VIOLATIONS OF**
27 v.) **CIVIL RIGHTS**
28) **JURY TRIAL DEMANDED**
COUNTY OF RIVERSIDE;)
STANLEY SNIFF, Sheriff of Riverside)
County; ANDREW SHOUSE, Captain)
of Robert Presley Detention Center;)
JERRY GUTIERREZ, Corrections)
Assistant Sheriff; Deputy)
MCCOLLUM; Deputy P. SALAZAR;)

1 Deputy JONATHAN TOAN; Sergeant)
 2 CHRISTOPHER WEDEL; Nurse)
 3 ENEKA; KEVIN SANCHEZ; ROSS)
 4 LUNSTED; and DOES 1-125,)
 Defendants.)

6
 7 COMES NOW PLAINTIFF DAVID MANZO, By and Through his
 8 Conservator, Genoveva Manzo, though his attorneys of record and alleges and
 9 complains as follows:
 10

11 **PRELIMINARY STATEMENT**

12 This matter arises from 35-year-old Plaintiff David Manzo being rendered a
 13 quadriplegic at the hands of County of Riverside Sheriff's department employees
 14 when they failed to utilize universally accepted spinal or medical precaution
 15 measures to protect Plaintiff's spine from paralysis following injuries Plaintiff
 16 sustained in a fight with another inmate at Robert Presley Detention Center in
 17 Riverside, California. The County of Riverside, and its employees, have engaged
 18 in a pattern and practice of violating Plaintiff's civil rights from the time of his
 19 initial arrest, wherein deputies used excessive force against Plaintiff, including
 20 slamming Plaintiff to the ground, beating him, and pinning him to the ground with
 21 the deputies' knee and full weight on the back of plaintiff's neck; to their failure
 22 to protect plaintiff from violence at the hands of a known, vicious inmate; to the
 23 final moment when County of Riverside jail employees manhandled Plaintiff's
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1 injured body causing catastrophic spinal cord injuries and rendering plaintiff a 35-
2 year-old quadriplegic. A grave injustice has occurred as a result of the County of
3
4 Riverside and its various employees' deliberate indifference to Plaintiff's rights.

5 **JURISDICTION**

6
7 1. This action arises under Title 42 of the United States Code, Section
8 1983. Jurisdiction is conferred upon this Court by Title 28 of the United States
9 Code, Section 1331 and 1343. In addition, this Court has pendent and
10 supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the state law claims
11 alleged in this complaint.
12

13 **VENUE**

14
15 2. The unlawful acts and practices alleged herein occurred in the
16 County of Riverside, State of California, within this judicial district. Therefore,
17 venue lies in the United States District Court for the Central District of California.
18

19 **CLAIMS REQUIREMENT**

20
21 3. Plaintiffs have complied with the requirements of California
22 Government Code section 900, et seq., where an action for state court claims is
23 filed against a public entity and its employees for the incident occurring on
24 October 25, 2016.
25

26 **CONSERVATORSHIP ESTABLISHED**

27
28 4. On February 17, 2017, Letters of Conservatorship were issued by the

1 Superior Court of California for the County of Riverside, naming Genoveva
 2 Manzo as conservator over Plaintiff David Manzo.
 3

4 **PARTIES**

5 5. Plaintiff, David Manzo, an individual, by and through his
 6 conservator, Genoveva Manzo (hereafter “Manzo”), is, and at all times mentioned
 7 herein was, a resident of the State of California.
 8

9 6. Defendant County of Riverside (hereinafter “County”) is a public
 10 entity which is responsible for and administers the Robert Presley Detention
 11 Center (hereinafter “RPDC”) through its agency, the Riverside County Sheriff’s
 12 Department (hereinafter “RCSD”). County promulgates policies and practices for
 13 the housing, custody, care, safekeeping and protection of inmates in the RPDC.
 14
 15

16 7. Defendant Sheriff Stanley Sniff (hereafter “Sniff”) is, and at all
 17 times herein mentioned, was the Sheriff of Riverside County. Sheriff Sniff ran,
 18 operated, oversaw, administered, supervised and was otherwise responsible for the
 19 conduct of the Riverside County Sheriff’s Department at the Robert Presley
 20 Detention Center, including the conduct of emergency medical response teams at
 21 the jail. As Sheriff of Riverside County, Sniff has ultimate supervision and
 22 management responsibility over the five jails, or correctional facilities in
 23 Riverside County, all managed by the Sheriff’s Department Corrections Division.
 24
 25 Defendant Stanley Sniff is sued both individually and in his official capacity.
 26
 27
 28

1 8. Defendant Corrections Assistant Sheriff Jerry Gutierrez (hereafter
2 “Gutierrez”) is, and at all times herein mentioned, was the Corrections Assistant
3 Sheriff of Riverside County. Assistant Sheriff Gutierrez ran, operated, oversaw,
4 administered, supervised and was otherwise responsible for the conduct of the
5 Riverside County Sheriff’s Department at the Robert Presley Detention Center.
6
7

8 9. Defendant Captain Andrew Shouse (hereafter “Shouse”) is, and at all
9 times herein mentioned, was the Captain of Robert Presley Detention Center for
10 the Riverside County Sheriff’s Department. Captain Shouse ran, operated,
11 oversaw, administered, supervised and was otherwise responsible for the conduct
12 of the Riverside County Sheriff’s Department at the Robert Presley Detention
13 Center.
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16 10. Defendant Sergeant Christopher Wedel (hereafter “Wedel”) is, and at
17 all times herein mentioned, was a Correctional Sergeant for the Riverside County
18 Sheriff’s Department and was charged with supervising deputies at RPDC,
19 responsible for the protection, care and custody of the inmates at RPDC and for
20 carrying out the policies and procedures of RPDC and the Riverside County
21 Sheriff’s Department. Sergeant Wedel was present at the time of the incident and
22 oversaw the extraction of David Manzo from the jail.
23
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25

26 11. Defendant Deputy Jonathan Toan (hereafter “Toan”) is, and at all
27 times herein mentioned, was a deputy working Dayroom 5A of the RPCD at the
28

1 time of the incident and was an employee of the Riverside County Sheriff's
2 Department. Deputy Toan was responsible for the protection, care and custody of
3 the inmates at RPDC and witnessed the fight between Kevin Sanchez, Ross
4 Lunsted and Plaintiff, David Manzo.
5

6
7 12. Defendant Nurse Eneka (exact name presently unascertained,
8 hereafter "Eneka") is, and at all times herein mentioned, was a nurse working 5A
9 of the RPCD at the time of the incident and was an employee of the Riverside
10 County Sheriff's Department. Nurse Eneka was responsible for providing
11 medical care and treatment to inmates at RPDC and witnessed and directly
12 participated in the extraction of Manzo from the jail without providing spinal or
13 medical precautions or following emergency medical protocols and guidelines.
14

15
16 13. Defendant Deputy McCollum (hereafter "McCollum") is, and at all
17 times stated herein was, a Riverside County Sheriff's Deputy bearing ID No.
18 4209, and is a resident of California.
19

20
21 14. Defendant Deputy Salazar (hereafter "Salazar") is, and at all times
22 stated herein was, a Riverside County Sheriff's Deputy bearing ID No. 4599, and
23 is a resident of California.
24

25 15. Defendant Kevin Sanchez (hereafter "Sanchez") is, and at all times
26 herein mentioned, was a resident of the State of California and an inmate at
27 RPDC.
28

1 16. Defendant Ross Lunsted (hereafter “Lunsted”) is, and at all times
2 herein mentioned, was a resident of the State of California and an inmate at
3 RPDC.
4

5 17. At all times relevant to this Complaint, Does 1- 50 are and were
6 Sheriff’s deputies and/or employees or agents of the County of Riverside.
7

8 18. At all times relevant to this Complaint, Does 51-100 are individuals
9 whose identities are presently unascertained.
10

11 19. Plaintiff is truly ignorant of the names and capacities of Defendant
12 Does 1 – 100, inclusive, and therefore sues these defendants by such fictitious
13 names. Plaintiff is truly ignorant of the facts giving rise to Does 1-100,
14 inclusive’s liability, and will amend this complaint once their identities have been
15 ascertained as well as the facts giving rise to their liability.
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17

18 20. Plaintiffs are informed and believe, and based thereon allege, that
19 each Doe defendant so named is responsible in some manner for the injuries and
20 damages suffered by Plaintiff.
21

22 21. These defendants were agents, servants, and employees of each of the
23 named defendants and were acting at all times within the full course and scope of
24 their agency and employment, with the full knowledge and consent, either
25 expressed or implied, of their principal and/or employer and each of the other
26 named defendants and each of the defendants had approved or ratified the actions
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28

1 of the other defendants by making the currently named defendants herein liable
2 for the acts and/or omissions of their agents, servants and/or employees.
3

4 **STATEMENT OF FACTS**

5 22. On September 5, 2016, Plaintiff, David Manzo was a 34 year old
6 Perris, California resident suffering from a mental health disorder, including,
7 schizophrenia. Manzo had been diagnosed a schizophrenic since the age of 16.
8 On September 5, 2016, Defendants Riverside County Sheriff's Deputies Salazar
9 and McCollum responded to a domestic disturbance call at Manzo's home in
10 Perris, California.
11
12

13 23. Prior to September 5, 2016, Defendant Salazar, in his capacity as a
14 Sheriff's deputy, had interacted with Manzo on numerous other occasions due to
15 Manzo's mental health condition wherein Defendant Salazar would take Manzo to
16 Mental Health Emergency Treatment Services ("ETS") and place Manzo on a
17 Welfare and Institutions Code section 5150 detention. Several times prior to the
18 incident, when Defendant Salazar would arrive at Manzo's home for purposes of
19 taking him to ETS, Manzo would be waiting for Defendant Salazar on the front
20 lawn while smoking a cigarette. Defendant Salazar would allow Manzo to finish
21 smoking his cigarette before peacefully taking him into custody and transporting
22 him to ETS for a 5150 hold.
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28 24. On September 5, 2016, however, Defendant Salazar arrived to find

1 Manzo on the lawn of his home smoking a cigarette, Defendant Salazar refused to
2 let Manzo finish his cigarette and instead demanded that he go immediately with
3 Defendant Salazar to jail, rather than ETS. Manzo flicked his cigarette,
4 unintentionally hitting Defendant Salazar in the face with the cigarette. At that
5 point, Defendant Salazar aggressively tackled Manzo, knocking him to the
6 ground, forcefully putting his knee into the back of Manzo's neck and holding it
7 there while Manzo was face down on the ground. Once on the ground, Manzo did
8 not attempt to resist the arrest and instead, remained on the ground while
9 Defendant Salazar cuffed Manzo. After Defendant Salazar cuffed Manzo and
10 Manzo exhibited no signs of resistance to the arrest, Defendant Salazar and
11 Defendant McCollum then began to viciously beat Manzo with their fists, with
12 each deputy punching Manzo in the head no less than three times, when Manzo's
13 head was against the ground. Manzo was thereafter transported to the Riverside
14 County Sheriff's Perris Station. He was booked and ultimately transferred to
15 Robert Presley Detention Center (RPDC) in Riverside, California.

22 25. At all times, Defendants Salazar and McCollum knew that Manzo
23 suffered from a mental health disorder – namely, schizophrenia. Both deputies
24 knew that as a result of Manzo's mental health condition, he required special
25 accommodations and that a serious risk to Manzo's health and safety existed by
26 allowing Manzo to interact with other inmates, in particular, inmates who
27
28

1 displayed frequent, violent tendencies towards other inmates.

2 26. Schizophrenia is a mental health impairment that substantially limits
3
4 Manzo's major life activities, including his ability to communicate with people,
5 understand people, his ability to learn, and to care for himself in activities of daily
6 living. Defendants Salazar and McCollum could have and should have offered
7 special accommodations to Manzo including: communicating with Manzo's
8 caretaker, who was present at the scene; working with his caretaker to approach
9 Manzo in a non-threatening manner, to speak to Manzo in a way that was non-
10 threatening and calming in order to avoid an escalation of the situation and to
11 avoid the use of force; contacting another officer or employee who specializes in
12 communicating with disabled individuals like Manzo to facilitate the necessary
13 interaction, removal or arrest; by respecting Manzo's comfort zone, engaging in
14 non-threatening communications and gestures with Manzo directly, using the
15 passage of time to defuse the situation, and ceasing the use of force once it was
16 evident that Manzo was unarmed, terrified, no threat to officers and following
17 their instructions.

18 27. After Manzo's arrest on September 5, 2016 and at the time of the
19 incident on October 25, 2016, Manzo was temporarily being housed at RPDC
20 pending transfer to Patton – a psychiatric hospital. Due to his mental illness,
21 Manzo had been deemed mentally incompetent to stand trial by 2 different doctors
22

1 and the court and therefore, was awaiting transfer to Patton when the October 25,
2 2016 incident occurred.

3
4 28. At RPDC on October 25, 2016, Manzo was the victim of an assault
5 and battery by inmates Defendant Kevin Sanchez and Defendant Ross Lunsted.
6
7 On that date, while Manzo, Sanchez and Lunsted were in the 5A Dayroom of the
8 RPDC, Sanchez began to threaten, intimidate and physically fight with Manzo.
9
10 The fight occurred directly in front of the window to the Pod Control room. The
11 Pod Control room overlooks the dayroom with a large window through which jail
12 staff can observe and supervise the inmates in the dayroom. The Pod Control
13 room is manned at all times by at least one deputy. Plaintiff is informed and
14 believes and based thereon alleges, that at the time of the fight between Sanchez
15 and Manzo, there was at least one, and possibly more than one deputy, in the Pod
16 Control room watching Sanchez threaten, intimidate and physically punch Manzo.

17
18 29. The fight between Sanchez, Manzo and Lunsted was recorded on
19 video that was captured from cameras set up in the jail. The fight continued for
20 several minutes before being stopped. At the time of the incident, Sanchez can be
21 seen chasing Manzo from one side of the dayroom to the other and back to the
22 other side of the dayroom again. At one point, Manzo attempts to flee from
23 Sanchez by trying to climb up the stairs to the second level of the dayroom, but he
24 is then punched by Lunsted and pushed back into Sanchez such that Manzo is
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1 unable to escape from the attack by Sanchez. Manzo tried to get away from
2 Sanchez who continued to follow after him relentlessly, continuing the fight,
3 which included multiple hits to Manzo. Plaintiff is informed and believes and
4 based thereon alleges, that throughout the entire attack of Manzo by Sanchez, jail
5 staff that were on duty for Dayroom 5A, including the staff manning the Pod
6 Control booth, watched the fight occur. Sanchez then grabbed Manzo from
7 behind, whereupon Sanchez then fell backward to the ground, pulling Manzo to
8 the ground with him, with Manzo landing on top of Sanchez's body.

12 30. After Sanchez pulled Manzo to the ground, jail staff then flashed the
13 lights and inmates in the 5A dayroom returned to their cells with the exception of
14 Manzo who remained laying on the floor of Dayroom 5A. Video of the incident
15 shows Manzo still had use of his limbs while he was awaiting medical attention on
16 the floor of the dayroom. At that moment, Manzo was still able to roll his body
17 onto its side briefly through his own efforts using his limbs.

21 31. Plaintiff is informed and believes and based thereon alleges, that
22 prior to October 25, 2016 County of Riverside jail staff knew that Defendant
23 Sanchez was a violent person who repeatedly picked fights with other inmates in
24 the jail and that County of Riverside jail staff knew, or should have known based
25 on Sanchez's prior conduct toward other inmates that Sanchez would likely
26 threaten, intimidate and harm Manzo. RPDC staff knew that Sanchez should not
27
28

1 be permitted to have contact with Manzo prior to the time Sanchez attacked
2 Manzo. Employees of the Riverside County Sheriff's office and Robert Presley
3
4 Detention Center failed to properly classify and segregate Sanchez from Manzo.

5 32. On October 25, 2016, Defendant Toan and other currently
6
7 unascertained deputies were on duty and tasked with the responsibility of ensuring
8 the safety of inmates in 5A of RPDC. Manzo was laying injured on the floor of
9 Dayroom 1 of 5A awaiting medical attention when Deputies and medical staff of
10 the Riverside County Sheriff's Department entered the dayroom and abruptly and
11 roughly picked up Manzo by his shirt with his head hanging freely, and rolled him
12
13 on his back, with his feet tucked underneath him in an awkward position.
14

15 Deputies and medical staff of the Riverside County Sheriff's Department made no
16 attempt to follow basic emergency medical services, protocols and guidelines in
17 providing medical treatment to Manzo. No cervical collar was placed on Manzo,
18 nor was a backboard utilized to prevent damage to Manzo's spine. It is clear from
19 the video that Manzo still had use of his limbs immediately before deputies
20 entered the dayroom. Deputies manhandled Manzo several times trying to get
21 him to sit up or stand. While enduring this treatment, Manzo's limbs immediately
22 went limp upon being picked up by his shirt by the deputies. Manzo was also
23 conscious while laying on the floor of the dayroom and could have answered
24 questions concerning his medical condition to staff if they had asked him.
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1 Instead, deputies entered the dayroom and roughly, and improperly, picked Manzo
2 up. Plaintiff is informed and believes and based thereon alleges, that in
3
4 manhandling Manzo's body in that manner, the deputies caused catastrophic
5 injury to Manzo's spine rendering him a quadriplegic. Video of the incident
6
7 shows deputies trying numerous times to pick up Manzo only for Manzo to slump
8 back awkwardly to the floor, clearly lacking any ability to move his four limbs
9
10 after having been picked up by the deputies.

11 33. Deputy Jonathan Toan, Nurse "Eneka", Sergeant Christopher Wedel
12 and other Riverside County sheriff's deputies, nursing staff, and first responders
13
14 on the scene (whose identities are currently unascertained) all stood around
15 watching Manzo's body be manhandled by the deputies. All of the jail staff on
16
17 the scene ignored Manzo's serious medical needs. All of the jail staff on the scene
18 failed to follow jail procedures in dealing with a medical emergency. None of the
19
20 staff called for a backboard or cervical collar. Nor did any of the jail employees
21 assess Manzo's medical condition *first* before trying to move his body. Instead,
22
23 after trying to have Manzo stand or sit on his own without success, jail staff then
24 propped Manzo up in a wheelchair and wheeled him out of the dayroom and
25 ultimately, out of the jail.

26 34. Throughout the entire time that Manzo's body was being manhandled
27
28 by the deputies, Defendant Wedel, a supervising sergeant, stood by with his hands

1 in his pocket observing his subordinates failing to respond to Manzo's medical
2 needs and taking no action himself to discipline, intervene or otherwise stop the
3 manhandling of Manzo's body.
4

5 35. As a direct and proximate result of the jail staff's failure to use any
6 spinal or medical precautions when extracting Manzo from the jail, Manzo
7 suffered catastrophic spinal cord injuries that have rendered him a quadriplegic.
8 Manzo is no longer able to care for his own needs including, toileting, bathing and
9 feeding. Manzo suffers frequent, painful bedsores, bouts of pneumonia and will
10 require 24-hour round the clock medical care and treatment for the remainder of
11 his life, which is estimated to be another 45.4 years.
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13
14

15 36. Throughout the entire period of Manzo's detainment by the Riverside
16 County Sheriff's Department, Manzo displayed behavior consistent with
17 possessing a serious mental health disorder such that he should have been
18 evaluated, classified, and provided necessary mental health treatment appropriate
19 for his condition, including, specialized housing to protect him from being
20 threatened and attacked by other inmates.
21
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23

24 37. On information and belief, plaintiff further alleges that employees of
25 the Riverside County Sheriff's Department and Robert Presley Detention Center
26 failed to make timely inspections of the dayroom such that the beating of Manzo
27 could have been prevented, or deputies could have intervened such that Manzo
28

1 would not have sustained the injuries he sustained in the incident with Sanchez.
2 Additionally, plaintiff alleges on information and belief that deputies assigned to
3 monitor the dayroom were either not present or were not paying attention and
4 failed to properly monitor the dayroom, including, failing to make visual
5 inspections of the dayroom according to the jail's standard operating procedures.
6
7

8 38. On information and belief, Plaintiff further alleges that employees of
9 the Riverside County Sheriff's Department and Robert Presley Detention Center
10 failed to administer prompt and adequate medical attention to Manzo which
11 directly caused Manzo to become quadriplegic and suffer severe, permanent,
12 harm.
13
14

15 **DAMAGES**

16 39. As a proximate result of Defendants' conduct, Plaintiff David Manzo
17 suffered permanent paralysis of his four limbs resulting in pain and suffering, past
18 and future medical expenses, past and future wage loss, and past and future lost
19 earning capacity.
20
21

22 40. Plaintiff has found it necessary to engage the services of counsel to
23 vindicate his rights under the law. Plaintiff is therefore entitled to an award of all
24 attorneys' fees and litigation costs incurred in pursuing this action for violation of
25 civil rights.
26
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First Claim

Violation of 42 U.S.C. §1983

Deliberate Indifference to Serious Medical Needs

By David Manzo against County of Riverside, Sheriff Stanley Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan Toan, Nurse Eneka and other presently unascertained employees of the County of Riverside (Does 1 to 100)

41. Plaintiff David Manzo realleges and incorporates by reference paragraphs 1-40 of this complaint.

42. On October 25, 2016, Manzo had a serious medical need in that he had been injured in a fight with a known, violent inmate and was laying on the floor of Dayroom 1, 5A requiring medical attention.

43. Manzo, as a pretrial detainee had a constitutional right under the 14th Amendment to receive medical care.

44. County of Riverside, Riverside County Sheriff's Department, Robert Presley Detention Center, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan Toan, Nurse Eneka and other presently unascertained employees of the County of Riverside (Does 1 to 100) violated Manzo's constitutional right to medical care when they acted with deliberate indifference to Manzo's serious medical needs by

1 improperly manhandling Manzo's body from the floor without using any
2 universally accepted spinal or medical precautions.

3
4 45. At all times, County of Riverside, Riverside County Sheriff's
5 Department, Robert Presley Detention Center, Sheriff Sniff, Assistant Sheriff
6 Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy
7 Jonathan Toan, Nurse Eneka and other presently unascertained employees of the
8 County of Riverside (Does 1 to 100) were acting under color of law and were
9 acting in the course and scope of their employment with County of Riverside.
10

11
12 46. At all times, County of Riverside, Riverside County Sheriff's
13 Department, Robert Presley Detention Center, Sheriff Sniff, Assistant Sheriff
14 Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy
15 Jonathan Toan, Nurse Eneka and other presently unascertained employees of the
16 County of Riverside (Does 1 to 100) knew that Manzo had a serious medical
17 need.
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21 47. At all times, they failed to provide appropriate assessment and
22 evaluation of Manzo's injuries; failed follow basic, universally accepted
23 emergency medical protocols; failed to follow Riverside County Sheriff standard
24 emergency medical procedures and policies; failed to provide adequate
25 observation and medical intervention for Manzo's serious medical needs;
26 seriously aggravated Manzo's medical condition by authorizing the moving,
27
28

1 dragging, and careless manipulation of Manzo's body after he suffered serious
2 injuries; delayed in providing appropriate care and treatment of Manzo's injuries
3 and failed to ensure appropriate medical treatment for Manzo.
4

5 48. At all times, Defendants County of Riverside, Riverside County
6 Sheriff's Department, Robert Presley Detention Center, Sheriff Sniff, Assistant
7 Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel,
8 Deputy Jonathan Toan, Nurse Eneka and other presently unascertained employees
9 of the County of Riverside (Does 1 to 100) knew or should have known that by
10 failing to stabilize Manzo's spine prior to moving his body out of the jail, Manzo
11 could and would suffer severe spinal cord injuries, including, paralysis. When
12 Defendants extracted Manzo from the jail floor, they moved his body without
13 spinal or medical precautions, attempting to lift him up at least five (5) times
14 without success and eventually, transported him out of the jail only in a
15 wheelchair.
16

17 49. Throughout the entire time deputies were manhandling Manzo's body,
18 Defendant Wedel, a supervising sergeant, stood by with his hands in his pocket
19 doing nothing to discipline, instruct, intervene or stop the conduct of his
20 subordinates from causing further, catastrophic, permanent injury to Manzo,
21 despite knowing that Manzo had a serious and immediate medical need.
22

23 50. As a direct and proximate result of the foregoing acts and omissions that
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1 were deliberately indifferent to Manzo's serious medical needs, Manzo suffered
 2 severe harm in that he was rendered a quadriplegic during his extraction from the
 3 jail.
 4

5 51. As a further direct and proximate result of the foregoing conduct, Manzo
 6 suffered physical pain, severe emotional distress, and mental anguish. Manzo is
 7 no longer able to care for his own needs including, toileting, bathing and feeding
 8 and will require 24-hour round the clock medical care and treatment for the
 9 remainder of his life, which is estimated to be another 45.4 years.
 10

11 52. The conduct alleged herein was done in deliberate or reckless disregard of
 12 Manzo's constitutionally protected rights, justifying an award of exemplary
 13 damages against the individual Defendants in an amount according to proof at the
 14 time of trial in order to deter Defendants from engaging in similar conduct and to
 15 make an example by way of monetary punishment. Manzo is also entitled to
 16 attorney fees and costs of suit herein.
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21 **Second Claim**

22 **Violation of 42 U.S.C. §1983**

23 **Failure to Protect & Cruel and Unusual Punishment – 14th Amendment**

24 **By David Manzo against Sheriff Stanley Sniff, Assistant Sheriff Jerry**
 25 **Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy**
 26 **Jonathan Toan and other presently unascertained employees of the County**
 27
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of Riverside (Does 1 to 100)

53. Plaintiff David Manzo realleges and incorporates by reference paragraphs 1-52 of this complaint.

54. Manzo was incarcerated at RPDC under conditions that posed a substantial risk of serious harm to his health and safety, which were known to Defendants Sheriff Stanley Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan Toan and other presently unascertained employees of the County of Riverside Does 1 to 100. Such conditions included:

- (a) Placing Manzo, who suffered from mental health conditions, including schizophrenia, in a dayroom where Defendant Sanchez could interact with him. Defendant Sanchez was a known, violent inmate who had inflicted violence upon other inmates multiple times prior to the date that he attacked Manzo;
- (b) failing to assign sufficient Sheriff's deputies to the RPDC in order to provide adequate monitoring and supervision of the inmates;
- (c) causing and permitting the RPDC to be overcrowded, which contributed to causing inmate on inmate violence;
- (d) failing to properly train the Sheriff's deputies assigned to the RPDC so that the deputies did not have sufficient knowledge or skills to adequately monitor

1 and supervise the inmates;

2 (e) failing to follow standard operating procedures regarding performing
3 physical visual inspections of the dayrooms at RPDC;

4 (f) placing Manzo in the dayroom with other inmates under circumstances
5 which were conducive to the eruption of violence; and

6 (g) failing to timely intervene to stop the attack by Defendants Sanchez and
7 Lunsted against Manzo.

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11 55. Defendants Sheriff Stanley Sniff, Assistant Sheriff Jerry Gutierrez,
12 Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan Toan and
13 other presently unascertained employees of the County of Riverside Does 1 to
14 100, had ample and reasonably sufficient time and opportunity to intervene and
15 prevent Manzo's injuries, and were compelled to do so as Sheriff's deputies under
16 the laws of the State of California and under the Constitution of the United States
17 of America.

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21 56. In deliberate indifference to the life and welfare of Manzo, each said
22 Defendant intentionally and with deliberate indifference to the civil rights of
23 Manzo, refrained from intervening in the acts leading to Manzo's injuries.

24
25 57. In doing the acts complained of, Defendants Sheriff Stanley Sniff,
26 Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher
27 Wedel, Deputy Jonathan Toan and other presently unascertained employees of the
28

1 County of Riverside Does 1 to 100, acted under the color of state law to deprive
2 Manzo of certain constitutionally protected rights including, but not limited to, the
3 right not to be deprived of life or liberty without due process of law, as guaranteed
4 by the Fourteenth Amendment to the United States Constitution.
5

6
7 58. The above acts and omissions, while carried out under color of law, have
8 no justification or excuse in law, and instead constitute a gross abuse of
9 governmental authority and power, shock the conscience, are fundamentally
10 unfair, arbitrary and oppressive and unrelated to any activity which governmental
11 officers may appropriately and legally undertake in the course of protecting
12 persons or property or ensuring civil order.
13
14

15 59. In acting or failing to act as hereinabove alleged, the aforementioned
16 Defendants, were deliberately indifferent to the substantial risk that Sanchez
17 would assault and severely injure Manzo.
18

19 60. As a proximate result of the aforementioned wrongful conduct, Manzo
20 suffered injuries and damages as set forth herein, including, being rendered a
21 quadriplegic.
22

23 61. The conduct of Defendants Sheriff Stanley Sniff, Assistant Sheriff Jerry
24 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan
25 Toan and other presently unascertained employees of the County of Riverside
26 Does 1 to 100, was intentional, malicious, willful, wanton and in reckless
27
28

1 disregard of Manzo's constitutional rights and/or grossly negligent in that this
2 conduct shocks the conscience and is fundamentally offensive to a civilized
3 society, so as to justify the imposition of punitive damages against each of the
4 foregoing individual respondents.
5

6
7 **Third Claim**

8 **Violation of 42 U.S.C. §1983**

9 **Failure to Properly Train**

10
11 **By David Manzo against County of Riverside, Sheriff Stanley Sniff, Assistant**
12 **Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher**
13 **Wedel, and other presently unascertained supervisory employees of the**
14 **County of Riverside (Does 1 to 100)**
15

16
17 62. Plaintiff David Manzo realleges and incorporates by reference
18 paragraphs 1-61 of this complaint.

19
20 63. Officials of the Riverside County Sheriff's Department, acting under
21 color of law, have subjected Manzo and other persons similarly situated to a
22 pattern of conduct consisting of continuing, widespread and unconstitutional
23 misconduct in violation of Manzo's 14th amendment due process rights.

24
25 Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez,
26 Captain Andrew Shouse, Sergeant Christopher Wedel, and other presently
27 unascertained supervisory employees of the County of Riverside Does 1 to 100,
28

1 while acting under color of law, have failed to maintain adequate and proper
2 training necessary to educate deputies and medical staff as to the Constitutional
3 rights of inmates; to prevent the consistent and systematic failure to provide
4 medical care; and to train their deputies properly on basic medical procedures,
5 emergency procedures, welfare or cell checks. There has been an official policy of
6 acquiescence in the wrongful conduct. Defendants County of Riverside, Sheriff
7 Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant
8 Christopher Wedel, and other presently unascertained supervisory employees of
9 the County of Riverside Does 1 to 100, have failed to promulgate corrective
10 policies and regulations in the face of repeated constitutional violations.

15 64. Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry
16 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other
17 presently unascertained supervisory employees of the County of Riverside Does 1
18 to 100, have also failed to supervise and insure that deputies fulfill their full 12
19 hours of medical training, instead allowing condensed versions of the classes, and
20 allowed deputies and trainers to sign under penalty of perjury that they completed
21 their full 12 hour classes and passed their exams when Defendants County of
22 Riverside, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew
23 Shouse, Sergeant Christopher Wedel, and other presently unascertained
24 supervisory employees of the County of Riverside Does 1 to 100, knew, or should

1 have known, that deputies had not complied with their medical training
2 requirements.
3

4 65. Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry
5 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other
6 presently unascertained supervisory employees of the County of Riverside Does 1
7 to 100, have acted with deliberate indifference in disregarding their duty to protect
8 the public from official misconduct. The failure to promulgate or maintain
9 constitutionally adequate training as required by POST (“Peace Officer Standards
10 and Training”) certification was done with deliberate indifference to the rights of
11 Manzo and others in his position. Despite their knowledge of previous instances
12 of inadequate and improper medical responses to serious medical needs of inmates
13 housed in the Riverside County jail system, County of Riverside, Sheriff Sniff,
14 Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher
15 Wedel, and other presently unascertained supervisory employees of the County of
16 Riverside Does 1 to 100, failed to properly train or retrain their deputies and
17 medical staff to prevent serious harm to inmates and acquiesced in, and ratified,
18 insufficient medical training of the deputies, knowing that such inadequate
19 training put the health and safety of inmates at RPDC in jeopardy. The foregoing
20 defendants knew or it should have been obvious that inadequate training would
21 result in the deprivation of Manzo’s 14th amendment right to due process.
22
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By David Manzo against County of Riverside, Sheriff Stanley Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other presently unascertained supervisory employees of the County of Riverside Does 1 to 100

69. Plaintiff David Manzo realleges and incorporates by reference paragraphs 1-68 of this complaint.

70. Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other presently unascertained supervisory employees of the County of Riverside Does 1 to 100:

- (a) failed to provide adequate supervision to the medical staff and deputies who are required to render emergency medical care that meets the standards of the Constitution;
- (b) failed to comply with California law that requires a specific ratio of supervising sworn deputies to correctional deputies at RPDC; and
- (c) failed to promulgate and enforce adequate policies and procedures related to rendering adequate emergency medical care that meets professional and legal standards such that the violation of citizens' civil rights by deputies and medical staff occurred and is continuing to occur in the Riverside County jail system.

1 71. Defendant County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry
2 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other
3
4 presently unascertained supervisory employees of the County of Riverside Does 1
5 to 100, have a widespread history of ratifying deputy misconduct by failing to
6
7 conduct appropriate investigations and by encouraging and perpetuating a shroud
8 of secrecy among jail employees regarding conditions in the jail by threatening
9
10 criminal prosecution against employees who discuss jail conditions with outsiders.

11 72. The foregoing Defendants were aware of previous instances of
12
13 untimely, inadequate and improper medical care and treatment provided to
14
15 inmates and failed to properly supervise and discipline their employees or agents
16 to abate such conduct. Upon information and belief, supervising officers were
17
18 made aware of the foregoing misconduct or witnessed the Constitutional
19
20 violations committed by deputies and medical staff but failed to supervise or
21 discipline them.

22 73. There has been an official policy of acquiescence in the wrongful
23
24 conduct. Defendant County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry
25 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, and other
26
27 presently unascertained supervisory employees of the County of Riverside Does 1
28 to 100, have failed to promulgate corrective policies and regulations in the face of
repeated Constitutional violations.

1 74. The foregoing Defendants failed to supervise and insure that deputies
2 fulfilled their full 12 hours of medical training, instead allowing deputies and
3 trainers to sign declarations that the training was complete when in fact, it was
4 not. The foregoing Defendants condoned and acquiesced in the abusive behavior
5 of their subordinates by refusing to retrain them, discipline them, or correct their
6 abusive behavior.
7

8
9 75. As a result of their failure to properly supervise deputies and medical
10 staff of the Riverside County Sheriff's office, Respondent County of Riverside,
11 Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant
12 Christopher Wedel, and other presently unascertained supervisory employees of
13 the County of Riverside Does 1 to 100 were deliberately indifferent to the needs
14 of Manzo. The failure to supervise was the moving force behind the misconduct
15 of the deputies, the denial of medical care to Manzo and Manzo's resulting pain,
16 suffering and mental anguish.
17

18 76. As a result of the foregoing conduct, Manzo's Fourteenth Amendment
19 due process rights were violated.
20

21 77. As a direct and proximate result of the actions of Defendants County of
22 Riverside, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew
23 Shouse, Sergeant Christopher Wedel, and other presently unascertained
24 supervisory employees of the County of Riverside Does 1 to 100, David Manzo
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1 suffered unconstitutional treatment and inhumane conditions while in RPDC as
2 well as significant physical and psychological injuries.
3

4 78. Manzo is no longer able to care for his own needs including, toileting,
5 bathing and feeding and will require 24-hour round the clock medical care and
6 treatment for the remainder of his life, which is estimated to be another 45.4 years.
7

8 **Fifth Claim**

9 **Violation of 42 U.S.C. §1983**

10 **Monell Municipal Liability**

11 **By David Manzo against County of Riverside**

12
13
14 79. Plaintiff David Manzo realleges and incorporates by reference
15 paragraphs 1-78 of this complaint.
16

17 **Monell Liability – Pattern/Practice of Denying Medical Care:**

18 80. Defendant County of Riverside maintained an unconstitutional policy,
19 ordinance or regulation which allowed their deputies and medical staff to deny
20 medical care to inmates. There were longstanding and systemic deficiencies in
21 the Riverside County jail system, including RPDC's treatment of inmates.
22 Deficiencies included improper cell checks, inadequate medical staffing, lack of
23 required training or screening, diagnosis and treatment of medical and psychiatric
24 conditions, and non-compliant medical policies and procedures. County of
25 Riverside's failure to train its deputies regarding treatment of inmates in
26
27
28

1 emergency medical situations and/or medical distress rises to the level of a
2 municipal custom that authorized and/or condoned deputy and medical staff
3 misconduct.
4

5 81. Upon information and belief, the permanent, widespread, well-settled
6 practice or custom was to deny treatment to inmates in serious medical distress;
7 not properly screen inmates for medical care or treatment; failing to utilize
8 universally accepted emergency medical protocols and procedures; failing to
9 communicate the medical needs of inmates to other staff, including outside
10 medical facilities; not properly checking on the welfare of the inmate; failing to
11 conduct proper cell checks as required; and not investigating misconduct of
12 deputies and medical staff.
13
14
15

16 82. County of Riverside's failure to render adequate medical care to inmates
17 housed in the County jails, including RPDC was previously addressed in a class
18 action lawsuit brought on behalf of County of Riverside jail inmates entitled
19 *Quinton Gray v. County of Riverside*, Case No.: EDCV 13-0444 VAP, and filed
20 on March 8, 2013 in the United States District Court for the Central District of
21 California. In that case, County of Riverside entered a consent decree which was
22 filed on June 7, 2016 wherein the County of Riverside agreed to implement
23 remedial measures to address the failure to provide constitutionally adequate
24 medical care to prisoners housed in County of Riverside jails. The remedial plan
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1 included, among other requirements: that “all health care staff shall provide
2 community standard of care” in their respective roles; that emergency procedures
3 are to be provided “immediately”; and that in the event of a medical emergency,
4 the inmate will be seen by health care staff at an RN level or higher “as soon as
5 possible”.
6
7

8 83. Notwithstanding the consent decree, on October 25, 2016, Manzo
9 experienced a medical emergency and County of Riverside jail staff continued to
10 follow their longstanding policy, custom and practice of refusing to provide
11 adequate medical care to Manzo by failing to provide any universally accepted
12 medical and spine emergency procedures including, but not limited to, an
13 evaluation of Manzo’s condition prior to undertaking movement of Manzo’s body,
14 and use of spinal precautions like a cervical collar and backboard when
15 transporting Manzo out of the jail.
16
17
18

19 84. Defendant County of Riverside was deliberately indifferent to the
20 widespread unconstitutional acts by its deputies and medical staff and failed to set
21 forth appropriate policies regarding the treatment of inmates, even after entering a
22 consent decree in the *Quinton Gray v. County of Riverside* case. During the
23 relevant period, all individually named Defendants herein, medical staff and
24 presently unascertained employees of the County of Riverside Does 1 to 100,
25 were acting pursuant to the policy of Defendant County of Riverside. This pattern
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1 of deliberate indifference to basic medical needs of inmates within the County of
2 Riverside jail system promoted and maintained a culture of deliberate indifference
3 to human life and basic medical care and treatment for inmates at RPDC.
4

5 85. Defendant County of Riverside was deliberately indifferent to the
6 right of David Manzo and others to be free from, and protected from, harm caused
7 by the misconduct of its employees. The County of Riverside's longstanding
8 practice or custom was unconstitutional in that it was deliberately indifferent to a
9 substantial risk of serious harm to inmates and violated inmates', including David
10 Manzo's Fourteenth Amendment right to receive medical care and due process.
11
12

13 86. As a direct and proximate result of the practice or custom of
14 Defendant County of Riverside and the individual Defendants named herein, as
15 well as presently unascertained employees of the County of Riverside, Does 1 to
16 100, Manzo was denied appropriate medical care when his body was moved
17 without the use of spinal or medical precautions of any kind, thereby rendering
18 him a quadriplegic.
19
20
21

22 87. The unlawful and illegal conduct of Defendant County of
23 Riverside and the individually named defendants alleged herein, Manzo's rights,
24 privileges and immunities secured to him by the Constitution of the United States,
25 including, but not limited to, due process under the 14th Amendment to the
26 Constitution was violated.
27
28

1 88. Manzo is no longer able to care for his own needs including,
2 toileting, bathing and feeding and will require 24-hour round the clock medical
3 care and treatment for the remainder of his life, which is estimated to be another
4 45.4 years.
5

6 89. As a direct, proximate and foreseeable result, Manzo suffered
7 damages in an amount according to proof at the time of trial.
8

9 **Monell Liability – Pattern/Practice of Use of Excessive Force:**
10

11 90. Defendant County of Riverside Sheriff's deputies, acting under
12 color of law, have subjected Manzo and other persons similarly situated to a
13 pattern of conduct consisting of a continuing, widespread and persistent pattern of
14 unconstitutional misconduct, including beating of detainees.
15

16 91. County of Riverside failed to properly investigate complaints of
17 excessive force; and has a widespread history of ratifying use of excessive force
18 by failing to conduct appropriate investigations into deputy misconduct.
19

20 92. County of Riverside knew or should have known that deputies
21 were violating individuals' constitutional rights by using excessive force and
22 specifically that Defendants Salazar and McCollum were violating the rights of
23 arrestees. County of Riverside knew or should have known that Defendants
24 Salazar and McCollum frequently used excessive force in arresting individuals,
25 including beating arrestees after the arrestee had already been handcuffed and
26
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1 posed no threat to officer safety; that the deputies frequently ignored evidence that
2 potential arrestees suffered from mental health disorders that required the use of
3 Welfare and Institutions Code 5150 procedures rather than arrest; and that the
4 deputies would arrest individuals under factual circumstances that should have led
5 to the arrestee's evaluation by ETS rather than booking and jail.
6
7

8 93. Faced with such information, County of Riverside refused to
9 investigate the matter and/or took no remedial steps or action against Deputy
10 Salazar and Deputy McCollum. There has been an official policy of acquiescence
11 in the wrongful conduct. County of Riverside also failed to promulgate corrective
12 policies and regulations in the face of such repeated constitutional violations.
13
14

15 94. County of Riverside as a matter of custom, practice and policy,
16 failed to maintain adequate and proper training necessary to educate deputies in
17 the Riverside County Sheriff's Department as to the Constitutional rights of
18 arrestees; to prevent the consistent and systematic use of excessive force by
19 arresting deputies; and to prevent the beating and extra judicial punishment of
20 arrestees by officers. County of Riverside failed to provide adequate training and
21 supervision to deputies that hold the power, authority, insignia, equipment and
22 arms entrusted to them.
23
24
25

26 95. Manzo is informed and believes, and based thereon alleges, that
27 high ranking County of Riverside officials, including Defendant Sniff, and
28

1 presently unknown supervisory officials with the County of Riverside Sheriff's
2 Department Does 1 to 100, knew and/or reasonably should have known about the
3 repeated acts of misconduct by Defendants Salazar and McCollum.
4

5 96. Despite such notice, Plaintiff is informed and believes that County
6 of Riverside approved, ratified, condoned, encouraged, and/or tacitly authorized
7 the continuing pattern and practice of misconduct and/or civil rights violations by
8 Sheriff's Department deputies, including, Defendants Salazar and McCollum.
9
10

11 97. County of Riverside knew or should have known of the dangerous
12 propensities of County of Riverside Sheriff's deputies, but took no steps to train
13 them, correct their abuse of authority, or discourage their unlawful use of
14 authority. County of Riverside acquiesced and condoned the abusive behavior by
15 refusing to retrain deputies, or correct their abusive behavior. That acquiescence
16 had advised sheriff's deputies that using excessive force to arrest a submissive
17 arrestee was acceptable under the policies of the Riverside County Sheriff's
18 Department.
19
20
21

22 98. Defendant County of Riverside had knowledge of prior incidents
23 of misconduct and civil rights violations by other deputies involving similar facts.
24 County of Riverside knew or should have been aware that the policy regarding
25 supervision and discipline of deputies who violated civil rights of citizens and
26 who commit assault and battery was so inadequate that it was obvious that a
27
28

1 failure to correct it would result in further incidents of dangerous and lawless
2 conduct perpetrated by the Riverside County Sheriff's Department deputies.
3

4 99. County of Riverside, with deliberate indifference, disregarded a
5 duty to protect the public from official misconduct. The failure to promulgate or
6 maintain constitutionally adequate training and the lack of deputy discipline was
7 done with deliberate indifference to the rights of Manzo and others in his position.
8 The constitutionally infirm lack of adequate training and supervision of deputies
9 in this case caused Manzo's damages.
10

12 100. Additionally, as a result of County of Riverside's historical failure
13 to properly investigate complaints of deputy misconduct, County of Riverside was
14 deliberately indifferent to the needs of Manzo. The County of Riverside's
15 longstanding practice or custom was unconstitutional in that it was deliberately
16 indifferent to a substantial risk of serious harm to arrestees like Manzo. The
17 County of Riverside's failure to investigate was the moving force behind the
18 wrongful detention and arrest of Manzo and the resulting pain and suffering
19 Manzo experienced, and continues to experience.
20

22 101. Plaintiff is further informed and believes, and based thereon
23 alleges, that as a result of the deliberate indifference, reckless and/or conscious
24 disregard of the misconduct by Defendants Salazar and McCollum, the County of
25 Riverside encouraged those deputies to continue their course of misconduct,
26
27
28

1 resulting in the violation of Manzo's rights as alleged herein. The aforementioned
2 acts and/or omissions and/or deliberate indifference by high ranking County of
3 Riverside officials, including Sheriff Sniff, resulted in the deprivation of Manzo's
4 constitutional rights, including, but not limited to the following:
5

6 (a) The right to be free from unreasonable searches and seizures as
7 guaranteed by the Fourth and Fourteenth Amendments to the US Constitution;
8

9 (b) The right not to be deprived of life or liberty without due process of law,
10 as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution;
11

12 (c) The right to be free from the use of excessive force by police officers,
13 which is guaranteed by the Fourth, Fifth and Fourteenth Amendments to the U.S.
14 Constitution; and
15

16 (d) The right to equal protection of the laws, as guaranteed by the Fourteenth
17 Amendment to the U.S. Constitution; and
18

19 (e) The right to be free from the imposition of cruel and unusual punishment.
20

21 102. As a result of the foregoing conduct, Manzo's constitutional rights
22 were violated.
23

24 103. As a direct and proximate result of the actions of Defendants County
25 of Riverside, Manzo suffered severe harm including significant physical and
26 psychological injuries. Manzo is now a quadriplegic and is no longer able to care
27 for his own needs including, toileting, bathing and feeding and will require 24-
28

1 hour round the clock medical care and treatment for the remainder of his life,
2 which is estimated to be another 45.4 years.

3
4 **Sixth Claim**

5 **State Law Negligence**

6
7 **By David Manzo against County of Riverside, Sheriff Stanley Sniff, Assistant**
8 **Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher**
9 **Wedel, Deputy Jonathan Toan, Nurse Eneka and other presently**
10 **unascertained employees of the County of Riverside**

11
12 104. Plaintiff David Manzo realleges and incorporates by reference
13 paragraphs 1-103 of this complaint.

14
15 105. Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff
16 Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy
17 Jonathan Toan, Nurse Eneka and other presently unascertained employees of the
18 County of Riverside Does 1 to 100, owed a duty to Manzo to act with ordinary
19 care and prudence so as not to cause him harm or injury. The foregoing
20 defendants also owed Manzo a duty to monitor and supervise inmates, including
21 Defendants Kevin Sanchez and Ross Lunsted in order to avoid instances of
22 violence perpetrated by other inmates against Manzo.

23
24
25
26 106. At all times mentioned herein, Defendants Sheriff Sniff, Assistant
27 Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel,
28

1 Deputy Jonathan Toan, Nurse Eneka and other presently unascertained employees
2 of the County of Riverside Does 1 to 100 were acting in the course and scope of
3 their employment with Defendant County of Riverside.
4

5 107. Defendants County of Riverside, Sheriff Sniff, Assistant Sheriff
6 Jerry Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy
7 Jonathan Toan, Nurse Eneka and other presently unascertained employees of the
8 County of Riverside Does 1 to 100, and each of them, breached their duty of care
9 to Manzo by:
10
11

12 (a) failing to engage in universally accepted emergency medical evaluations,
13 checking vitals, triage, and first responder first aid as well as universally accepted
14 spinal or medical precautions before man-handling his body;
15

16 (b) improperly, negligently, wrongfully and recklessly failing to take any
17 action to summon help or transport Manzo in a manner that would not cause him
18 further harm or disability;
19
20

21 (c) improperly, negligently, wrongfully and recklessly failing to follow proper
22 procedures for inmates showing signs of serious medical need;
23

24 (d) improperly, negligently, wrongfully and recklessly failing to set forth
25 policies regarding medical treatment of inmates, medical screening of inmates,
26 evaluation of inmate injuries, treatment of inmate injuries and transportation of
27 inmates with serious medical needs;
28

1 (e) failing to exercise due care in monitoring and supervising Defendants
2 Kevin Sanchez, Ross Lunsted and Manzo;
3

4 (f) failing to exercise due care in separating known, violent inmates like
5 Defendant Kevin Sanchez from vulnerable inmates like Manzo who was suffering
6 from a mental health condition;
7

8 (g) failing to properly supervise jail and medical staff;

9 (h) failing to exercise reasonable care in training jail and medical staff; and
10

11 (i) failing to exercise reasonable supervision of jail and medical staff.
12

13 108. By engaging in the foregoing acts and/or omissions, Defendants
14 County of Riverside, Sheriff Sniff, Assistant Sheriff Jerry Gutierrez, Captain
15 Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan Toan, Nurse
16 Eneka and other presently unascertained employees of the County of Riverside
17 Does 1 to 100 breached their duty of care owed to Manzo.
18

19 109. The County of Riverside is responsible for the acts and/or
20 omissions of its individual agents and employees under the theory of respondeat
21 superior.
22

23 110. As a direct and proximate result of County of Riverside, Sheriff
24 Sniff, Assistant Sheriff Jerry Gutierrez, Captain Andrew Shouse, Sergeant
25 Christopher Wedel, Deputy Jonathan Toan, Nurse Eneka and other presently
26 unascertained employees of the County of Riverside Does 1 to 100's negligent
27
28

1 conduct alleged herein, Manzo suffered severe physical harm and emotional
 2 distress and is now a quadriplegic. He is no longer able to care for his own needs
 3 including, toileting, bathing and feeding and will require 24-hour round the clock
 4 medical care and treatment for the remainder of his life, which is estimated to be
 5 another 45.4 years.
 6

7
 8 111. The conduct of Defendants Sheriff Sniff, Assistant Sheriff Jerry
 9 Gutierrez, Captain Andrew Shouse, Sergeant Christopher Wedel, Deputy Jonathan
 10 Toan, Nurse Eneka and other presently unascertained employees of the County of
 11 Riverside Does 1 to 100, amounts to oppression, fraud or malice within the
 12 meaning of Civil Code section 3294 et seq., and punitive damages should be
 13 assessed against each such defendant for the purpose of punishment and for the
 14 sake of example.
 15
 16
 17

18 **Seventh Claim**

19 **Violation of 42 U.S.C. §1983**

20 **Excessive Force**

21 **By David Manzo against Deputy Salazar and Deputy McCollum**

22
 23 112. Plaintiff David Manzo realleges and incorporates by reference
 24 paragraphs 1-111 of this complaint.
 25

26
 27 113. At the time of the arrest of Manzo by Defendants Salazar and
 28 McCollum on September 5, 2016, and at all times stated herein, Defendants

1 Salazar and McCollum acted under color of law to deprive Manzo of certain
2 constitutionally protected rights, including, but not limited to:
3

4 (a) The right to be free from excessive force being used against him to effect
5 an arrest under the Fourth, Fourteenth and Fifth Amendments to the U.S.

6 Constitution;
7

8 (b) The right to be free from unreasonable searches and seizures as guaranteed
9 by the Fourth and Fourteenth Amendments to the US Constitution;
10

11 (c) The right not to be deprived of life or liberty without due process of law, as
12 guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution;
13

14 (d) The right to equal protection of the laws, as guaranteed by the Fourteenth
15 Amendment to the U.S. Constitution; and
16

17 (e) The right to be free from the imposition of cruel and unusual punishment.
18

19 114. Defendants Salazar and McCollum's conduct deprived Manzo of
20 the foregoing constitutional rights when they used unreasonable force to arrest
21 Manzo – specifically, when each deputy punched Manzo in the head no less than
22 three times, when Manzo's head was already against the ground and he no longer
23 posed any threat to the deputies. Defendants Salazar and McCollum's conduct
24 caused Manzo to suffer extreme pain and suffering and emotional distress, and
25 ultimately, once he was being housed at RPDC, permanent paralysis of all four of
26 his limbs. Both Defendants Salazar and McCollum were integral participants in
27
28

1 the use of excessive force.

2 115. Defendant McCollum also failed to intervene to prevent the
3 violation when Defendant Salazar forcefully held Manzo down with his knee to
4 the back of Manzo's neck.
5

6 116. Defendants Salazar and McCollum knew that failure to provide
7 timely medical treatment for Manzo could result in further significant injury or the
8 unnecessary and wanton infliction of pain, but disregarded that serious medical
9 need, causing Manzo great bodily harm.
10

11 117. This use of force was excessive and unreasonable under the
12 circumstances because after being handcuffed by the deputies, Manzo did not
13 resist, pose a threat to the safety of the officers, or attempt to evade arrest by
14 flight. During the relevant period, Defendant Salazar and McCollum were
15 performing their duties as deputies of the Riverside County Sheriff's Department,
16 which is a branch of the County of Riverside.
17

18 118. Based on the conduct of Defendants Salazar and McCollum, Manzo
19 was deprived of his constitutional rights under the Fourth, Fourteenth and Fifth
20 Amendments to the U.S. Constitution.
21

22 119. Defendants Salazar and McCollum knew that the force they used was
23 illegal. Manzo was subjected to humiliation, fear, physical injury, and pain and
24 suffering by the illegal acts of Defendants Salazar and McCollum.
25
26
27
28

1 120. The conduct of Defendants Salazar and McCollum was willful,
2 wanton, malicious, oppressive, and done with reckless disregard for the rights and
3 safety of Manzo and therefore warrants the imposition of exemplary and punitive
4 damages against Defendants Salazar and McCollum.
5

6
7 **Eighth Claim**

8 **42 USC § 1983 - False Arrest**

9 **By David Manzo against Deputy Salazar and Deputy McCollum**
10

11 121. Plaintiff Manzo realleges and incorporates by reference paragraphs 1-
12 120 of this complaint.
13

14 122. 42 USC section 1983 provides in part:

15 “Every person who, under color of any statute, ordinance, regulation,
16 custom, or usage of any State or Territory subjects, or causes to be subjected, any
17 person of the United States or other person within the jurisdiction thereof to the
18 deprivation of any rights, privileges, or immunities secured by the Constitution
19 and laws shall be liable to the party injured in an action at law, suit at equity or
20 other proper proceeding for redress.”
21
22

23 123. Manzo had a firmly established right under the Fourth Amendment to
24 be free from physical abuse, assault, battery, wrongful arrest and detention and
25 intentional and negligent infliction of emotional distress.
26
27

28 124. On September 5, 2016 at the time of Manzo’s arrest and detention,

1 Defendants Salazar and Deputy McCollum had no probable cause to believe that
2 Manzo had committed a crime and did not have a warrant for his arrest.

3
4 Defendants Salazar and McCollum knew that Manzo suffered from a mental
5 health condition that rendered him mentally incompetent and furthermore, it was
6 obvious after arriving at the property that the complaining party's statements to
7 dispatch were not true and that the crimes alleged to have been committed by
8 Manzo had not occurred, and that Manzo was not a threat to others. Defendants
9 Salazar and McCollum intentionally and unlawfully exercised force or the express
10 or implied threat of force to restrain, detain or confine Manzo.
11
12

13
14 125. After Manzo was already handcuffed and posed no threat to officers,
15 Defendant Salazar forcefully put his knee to Manzo's neck, pinning him to the
16 ground in a manner designed to cause injury and punish Manzo without due
17 process of law. Additionally, after Manzo was already handcuffed and was no
18 threat to officers, Defendants Salazar and McCollum proceeded to beat Manzo.
19
20

21 126. Based on the foregoing conduct of Defendants Salazar and
22 McCollum, Manzo suffered an unlawful arrest and detention.
23

24 127. As a direct and proximate result of Defendants Salazar and
25 McCollum's conduct, the restraint, detention, confinement and arrest caused
26 Manzo to suffer injury, damage, loss or harm according to proof at the time of
27 trial.
28

Ninth Claim

Violation of Americans With Disabilities Act

By David Manzo against County of Riverside

128. Plaintiff realleges and incorporates by reference paragraphs 1-127 of this complaint.

129. Under Title II of the Americans with Disabilities Act, 42 USC § 1231, et seq., and Section 504 of the Rehabilitation Act, 29 USC § 701, et seq., Manzo is a qualified individual with a disability as defined by 42 USC § 12102(1) and 29 USC § 705 because he suffers from schizophrenia, which is a mental health impairment that substantially limits Manzo's major life activities, including his ability to communicate with people, understand people, his ability to learn, and to care for himself in activities of daily living.

130. Defendant County of Riverside authorities and other government agencies acknowledged that Manzo has such a mental health impairment/disability prior to the date of Manzo's arrest on September 5, 2016, and Manzo was regarded by himself and others as possessing that disability.

131. At all times, Defendants Salazar and McCollum knew of Manzo's disability or should have known of his disability because Defendant Salazar had responded to Manzo's home address for welfare checks on prior occasions in which Defendant Salazar had utilized Welfare and Institutions Code section 5150

1 to detain Manzo and transport him to ETS for psychiatric evaluation and
2 treatment. Additionally, Manzo's disability is obvious to anyone talking to him
3 because of the way in which he interacts with others and because other witnesses
4 at the scene informed the deputies that Manzo suffered from mental health
5 conditions and that Manzo suffered from a disability immediately before the arrest
6 occurred.
7

8
9 132. At the time that Defendants Salazar and McCollum approached
10 Manzo on his front lawn, a reasonable accommodation for Manzo's disability
11 could have, and should have, been made in order to avoid an escalation of the
12 situation because Manzo's mental health disability was obvious.
13
14

15 133. Defendants Salazar and McCollum failed to reasonably accommodate
16 Manzo's disability in the course of investigating and arresting Manzo, causing
17 him to suffer greater injury and indignity than other individuals and arrestees.
18

19 134. Potential accommodations might have included, but are not limited
20 to: communicating with Manzo's caretaker, who was present at the scene;
21 working with his caretaker to approach Manzo in a non-threatening manner, to
22 speak to Manzo in a way that was non-threatening and calming in order to avoid
23 an escalation of the situation and to avoid the use of force; contacting another
24 officer or employee who specializes in communicating with disabled individuals
25 like Manzo to facilitate the necessary interaction, removal or arrest; by respecting
26
27
28

1 Manzo's comfort zone, engaging in non-threatening communications and gestures
2 with Manzo directly, using the passage of time to defuse the situation, and ceasing
3 the use of force once it was evident that Manzo was unarmed, terrified, no threat
4 to officers and following their instructions.
5

6
7 135. By declining to provide the foregoing accommodations to Manzo,
8 Defendants Salazar and McCollum denied Manzo the benefits and services of
9 government programs, services, or activities, as well as subjected him to
10 discrimination on account of his disability. As a public entity that receives federal
11 financial assistance, Defendant County of Riverside is vicariously liable for
12 Defendants Salazar and McCollum's violations of Title II of the Americans With
13 Disabilities Act and Section 504 of the Rehabilitation Act.
14

15
16
17 136. As a result of the foregoing conduct, Manzo's rights under Title II of
18 the Americans With Disabilities Act and Section 504 of the Rehabilitation Act
19 were violated and he was discriminated against because of his disability.
20

21 137. As a direct and proximate result of the actions of Defendants County
22 of Riverside, Salazar and McCollum, Manzo suffered severe harm including
23 significant physical and psychological injuries. Manzo is now a quadriplegic and
24 is no longer able to care for his own needs including, toileting, bathing and
25 feeding and will require 24-hour round the clock medical care and treatment for
26 the remainder of his life, which is estimated to be another 45.4 years.
27
28

Tenth Claim

(Claim for Battery Brought by David Manzo Against Defendants Sanchez and Lunsted)

138. Plaintiff realleges and incorporates by reference paragraphs 1 - 137 of this complaint.

139. On October 25, 2016, Defendants Sanchez and Lunsted touched Manzo with the intent to harm or offend him by punching him in Dayroom 1 of 5A of the RPDC.

140. Defendants Sanchez and Lunsted inflicted bodily injury on Manzo resulting in damages in an amount to be proven at trial.

141. At no time did Manzo consent to the touching by Defendants Sanchez and Lunsted.

142. A reasonable person in Manzo's situation would have been offended by Defendants Sanchez and Lunsted's conduct in beating Manzo.

143. As a direct and proximate result of Defendants Sanchez and Lunsted's actions in beating Manzo, Manzo was harmed and suffered damages and severe injuries as alleged herein.

144. Defendants Sanchez and Lunsted's conduct alleged herein amounts to oppression, fraud or malice within the meaning of Civil Code section 3294 et seq., and punitive damages should be assessed against each such defendant for the

1 purpose of punishment and for the sake of example.

2 **PRAYER**

3
4 WHEREFORE, Plaintiff prays for judgment against defendants, and each of them,
5 jointly and severally, as follows:

- 6 a. For economic damages according to proof;
- 7
- 8 b. For non-economic damages according to proof;
- 9
- 10 c. Punitive damages against each of the individual defendants (Sniff,
- 11 Gutierrez; Shouse, Wedel, Toan, Eneka, Salazar, McCollum,
- 12 Sanchez, Lunsted and Does 1 to 100) according to proof;
- 13
- 14 d. Reasonable attorney fees and costs of suit pursuant to 42 U.S.C.
- 15 1988 and other relevant statutes where appropriate;
- 16
- 17 e. Prejudgment interest;
- 18
- 19 f. Costs of suit incurred herein and further relief as the Court deems
- 20 just and proper.

21 **DEMAND FOR JURY TRIAL**

22
23 Plaintiff respectfully demands that the present matter be set for a jury trial.

24 Dated: June 14, 2017

25 /s/_____

26 Robert Trujillo, Esq.

27 Attorney for Plaintiff David Manzo by and through
28 his Conservator, Genoveva Manzo

1 Dated: June 14, 2017 \s\ _____
2 Melody Trujillo, Esq.
3 Attorney for Plaintiff David Manzo by and through
4 his Conservator, Genoveva Manzo

5 Dated: June 14, 2017 \s\ _____
6 Suzanne Skolnick, Esq.
7 Attorney for Plaintiff David Manzo by and through
8 his Conservator, Genoveva Manzo

9 Dated: June 14, 2017 \s\ _____
10 Lewis Khashan, Esq.
11 Attorney for Plaintiff David Manzo by and through
12 his Conservator, Genoveva Manzo
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